

A. In addition to taking the two suicide attackers, [REDACTED] and Said, I confess that, the day before the terrorist attack, Nasser Aweis asked me to come to the town square in Nablus and pick up [REDACTED] and Said, and then to come to his home in the refugee camp, so that he could give me a will which he had prepared for the two suicide attackers. He also asked me to take the two suicide attackers home, photograph them, and wait for instructions.

That is what I did: I picked them up, took the will from Nasser along with a video camera, and when I got home, I filmed the two of them, each holding an M-16 in their hands, with Shadi reading the will.

Q. From whom did they get the weapons?

A. I took the will and the camera from Nasser. He gave me two M-16 weapons and 12 clips full of bullets and a hand grenade, and I gave them to them.”

Count No. 5:

On March 30, 2002, the terrorists [REDACTED] and [REDACTED] (hereinafter [REDACTED] and [REDACTED]) were on their way to carry out a terrorist attack in Israel, armed with an M-16 rifle, hand grenades and an explosive charge. [REDACTED] and [REDACTED] ran into a force of Border Patrol police near Baqa al-Gharbiya, fired on the policemen and threw a fragmentation grenade.

The two succeeded in intentionally causing the death of a Border Patrol policeman, Master Sergeant Konstantin Danilov of blessed memory, and in wounding another policeman, Senior Master Sergeant Amil Ibrahim. (See the testimony of Witness No. 27 for the prosecution, [REDACTED] Witness No. 18 for the prosecution, [REDACTED] Witness No. 19 for the prosecution, [REDACTED] P/49 (report on the seizure of exhibits), P/72-P/73 (expert opinions), P/74-P/75 (photographs), P/76 (expert opinion).

According to an argument that was set forth by the State, the Defendant – who as set forth above, was one of the senior commanders of the Terrorist Organization – entered into a conspiracy with [REDACTED] and [REDACTED] (Witness No. 6 for the prosecution), for the purpose of perpetrating a terrorist attack which was intended to intentionally cause the death of many Israeli civilians. Within the framework of this organization, which was headed by the Defendant, and in order to carry out [the terrorist attack], [REDACTED] and [REDACTED] were recruited, equipped with an M-16 rifle, hand grenades and an explosive belt. The Defendant also gave instructions to arrange for the arrival of the two in Israel, transferred an amount of money totaling NIS 3500 which was intended for the purchase of a stolen car to be used for transporting them, and instructed [REDACTED] to accompany them part of the way. After the terrorist attack, the Defendant called the media and informed them that the Terrorist Organization was responsible for the terrorist attack and had carried it out.

The admission by the Defendant is as follows:

P/5:

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"10. I delivered weapons for the execution of a shooting attack, a sacrifice attack (note by the interrogator; a suicide attack), which was supposed to be carried out in Hadera, but the terrorist attack did not succeed and people were killed in the vicinity of Baqa al-Gharbiya."

P/6:

"Q. Yes, [REDACTED] and I worked together, to send out suicide attackers with [REDACTED] and [REDACTED] from Silat al-Dhaher, and if we needed anything, such as photographing the suicide attackers or distributing posters, we would use [REDACTED]. About two weeks before the army came into Nablus, I asked [REDACTED] to try to obtain an explosive belt for a suicide bomber, in order to carry out a terrorist attack within Israel. [REDACTED] in fact, brought an explosive belt, and we gave it to a suicide bomber, who traveled with another person in order to perpetrate a terrorist attack in Israel, and when he got to Baqa al-Gharbiya, soldiers shot at him and they were both killed, and during these exchanges of fire, a Border Patrol policeman was killed in Baqa.

Q. Where was the terrorist attack that you are talking about supposed to have been carried out?

A. In Hadera, and we did not define a target, and according to the plan, one of the suicide attackers was supposed to shoot and the other was supposed to blow himself up ...

Q. What kind of vehicle did the suicide attackers travel in?

A. I do not know, but I gave [REDACTED] NIS 3,500 in order for him to buy a stolen car to transport the suicide attackers, and [REDACTED] went with them to Tulkarm and showed them the way and came back by public transportation."

P.7:

"After the four of them were arrested on their way to Ramallah, [REDACTED] contacted me and told me that he wanted to carry out a suicide attack next to Israeli soldiers, and he asked me for an M-16 weapon, and I had an explosive belt in my possession, and I did give him an M-16. We agreed that the attack would be carried out within Israel, next to soldiers, and that after [one] suicide attacker blew himself up, another one would fire. According to what [REDACTED] said, he did succeed in locating two people who would carry out the terrorist attack, one from Nablus and the other one from Jiyus.

Q. How did [REDACTED] get to know the two people who were supposed to carry out the terrorist attack next to the soldiers?

A. According to what he told me, [REDACTED] was the one who introduced him to the man from Nablus, and [REDACTED] already knew the one from Jiyus.

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Q. Who brought the suicide attackers into Israel?

A. A man named [REDACTED] from Tulkarm.

Q. How did they get in, and how was the terrorist attack carried out in Israel?

A. They got in with a car, which had been stolen by [REDACTED] and after they had entered Israel and were on their way to Hadera in order to carry out the terrorist attack, a few hours later, we heard on the radio that the Israeli police had suspected the car, and that there had been an exchange of fire with the suicide attackers and they had been killed, and two of the police had been wounded, as far as I know.

Q. How did the exchange of fire with the police take place?

A. On the way to Hadera, a police car suspected that the car was stolen and asked them to stop, but they started shooting. After that, the policemen succeeded in killing them. After I heard on the radio that they had been killed, I called the media and informed them that the terrorist attack had been carried out by *Kitaab [Shuhadaa]al-Aqsa*."

[Stamp] P 5: 269 [continued]

The “additional item” is as follows:

██████████ (Witness No. 6 for the prosecution), P/13:

“ ... That same day, I reported to Nasser Aweis that I had a suicide attacker with me, and Nasser asked to meet that terrorist. The next day, I took ██████████ to a studio in Nablus to have his picture taken, and from there to Nasser Aweis’s house, and I left him there. Two days later, Nasser asked me to purchase a car with Israeli license plates, and I bought a stolen black Mitsubishi for NIS 3,500 from a resident of Tubas. I got the money for the car from Nasser ██████████. After I bought the car, I went to Nasser’s house with the car, and there I met Nasser and ██████████ and ██████████ and I was surprised to find another person there, named ██████████ a resident of Nablus, about 20 years old, and that was the first time that I saw that young man. And then Nasser Aweis told me that those two people, ██████████ and ██████████ were about to go out and perpetrate a suicide attack in Israel. At that point, Nasser gave ██████████ an M-16 weapon, and he gave ██████████ two hand grenades, and the plan was for the two of them to enter Israel, wherever they could, and to carry out a suicide attack, shooting with the M-16 and throwing grenades, and after we prepared them, I took them to ██████████ and I handed them over to ██████████. This was the same ██████████ who had transported the suicide attacker that I talked about before. On that day, I got to ██████████ at around 11:00 a.m. ... And an hour later, ██████████ called and said that he had heard that the two of them had been killed in Baqa, after wounding a Border Patrol policeman.”

Count No. 6:

During the al-Aqsa intifada, on an unknown date, two terrorists whose identities are not known were on their way to carry out a terrorist attack in Jerusalem, armed with Kalashnikov rifles and hand grenades. The terrorists were caught at an IDF roadblock by the security forces, thus miraculously avoiding a murderous terrorist attack with multiple casualties, which the two had set out to perpetrate, with the intent of deliberately causing the death of many Israeli civilians.

According to an argument that was set forth by the State, the Defendant – who, as set forth above, was one of the senior commanders of the Terrorist Organization – entered into a conspiracy with ██████████ and ██████████ and additional activists, for the purpose of perpetrating a terrorist attack which was intended to intentionally cause the death of many Israeli civilians. Within the framework of this organization, which was headed by the Defendant, the terrorists were recruited, equipped with Kalashnikov rifles and hand grenades, and transported on the way to the scene of a terrorist attack.

The admission by the Defendant is as follows:

P/7:

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“ ... At about that time, [REDACTED] from *Kitaab Shuhadaa al-Aqsa* contacted me and said that there were two people who wanted to carry out a terrorist attack in Israel, and I agreed to that. I informed [REDACTED] of the matter and asked him if he would be able to bring them in, and it was agreed with [REDACTED] that [REDACTED] and [REDACTED] would take the two *mustashhids* to Ramallah. After that, I called [REDACTED] and told him that the people were on their way to him. I should note that [REDACTED] contacted me because I am responsible for *Kitaab Shuhadaa al-Aqsa*.

Q. Did [REDACTED] and [REDACTED] know about the terrorist attack?

A. Ayman works as a driver of a public vehicle, and [REDACTED] is a friend of [REDACTED] and I do not know whether they knew about the terrorist attack.

[Stamp] P 5: 270 [continued]

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Q. Where was it agreed that they would meet in Ramallah?

A. According to what was agreed, [REDACTED] was supposed to be in contact with the four, and when they got to the Ramallah area, he would call me and I would call [REDACTED] and let him know where they were, so that he could meet them.

Q. Which weapons did they take with them, and how was he [sic] supposed to carry out the terrorist attack?

A. A shooting attack which included grenade-throwing, and [REDACTED] gave the suicide attackers two hand grenades, and according to what was agreed, [REDACTED] was supposed to give them two Kalashnikov rifles.

Q. Where was he [sic] supposed to carry out the terrorist attack?

A. In West Jerusalem.

Q. Was the terrorist attack carried out?

A. The four of them were arrested at a roadblock on their way to Ramallah.

The "additional item" is as follows:

[REDACTED] (Witness No. 6 for the prosecution), P/17:

"In addition, we planned to carry out a suicide attack inside Jerusalem, and we sent the suicide attackers to Ramallah to get an explosive belt, but they were arrested on the way. The two who wanted to carry out the suicide attack are (1) [REDACTED] of Nablus, about 20 years old, a bachelor and unemployed, (2) [REDACTED] a resident of Nablus, about 20 years old, a bachelor who worked as a vehicle mechanic. [REDACTED] was his *nom de guerre*. This was about four or five months ago. Nasser Aweis planned this terrorist attack along with me ... for us to carry out a terrorist attack in the Ministry of Defense in Tel Aviv. I talked about it with Nasser Aweis and [REDACTED] and we decided to look for skilled activists who would carry out such a terrorist attack. In the end, we did not look for activists and we did not carry it out. With regard to the two suicide attackers, [REDACTED] and [REDACTED] who were on their way to Ramallah to get explosive belts so that they could go on to Jerusalem and carry out a suicide bombing, I talked about that in my second testimony. I would like to add a few points which I did not mention ... As I said, I filmed them with a video camera, reading the will, and I put a flag of the *Kitaab Shuhadaa al-Aqsa* behind them, and during the filming, he [sic] waved a Beretta weapon which I had given him. I gave the cassette [to] Nasser Aweis later. That night, the three of us slept in the apartment, and the next morning, I called [REDACTED] the taxi driver – let me correct myself. I called a friend of mine named [REDACTED]

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██████ and I asked him to send me a taxi to the apartment where I was with the young men, and he sent me a taxi driver named ██████. When he arrived, at 10:00 a.m. the two young men got into the taxi. I asked them to call me the moment they got to Ramallah. According to the plan, I would then call Nasser Aweis and he would arrange to send the people who were supposed to supply the explosive belts to them. I forgot to mention that I gave them a hand grenade, which I had received from Nasser Aweis for them to use. The intention was to throw the grenade before blowing up the explosive belts. The two young men did not reach Ramallah; they were arrested on the way. As soon as the two young men got into the taxi, I informed Nasser Aweis."

Count No. 7:

During the al-Aqsa intifada, on an unknown date, a terrorist whose identity is not known was arrested on his way to perpetrating a suicide attack in Jerusalem. The man was armed, with a view to intentionally causing the death of many civilians. While he was on his way to the scene of a terrorist attack, near Beit Hanina, that terrorist was arrested by policemen and shot to death.

[Stamp] P 5: 271 [continued]

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According to an argument that was set forth by the State, the Defendant – who, as set forth above, was one of the senior commanders of the Terrorist Organization – entered into a conspiracy with [REDACTED] for the purpose of perpetrating a terrorist attack which was intended to intentionally cause the death of many Israeli civilians. Within the framework of this organization, which was headed by the Defendant, and in order to carry out [the terrorist attack], the terrorist was recruited and supplied with weapons.

The admission by the Defendant is as follows:

P/6: “Q. Do you know a man named [REDACTED]

A. Yes, I met him at the al-Najah University, and he belonged to the Popular Front, and I recruited him into the *Kitaab Shuhadaa al-Aqsa* about two months ago, and the purpose of recruiting him into the *Kitaab Shuhadaa al-Aqsa* was in order for him to assist us in terrorist attacks in the Jerusalem area, and in order for him to introduce suicide attacks [*mustashahids*] into Jerusalem. I also asked [REDACTED] to teach us how to manufacture explosives that were stronger than the explosives we were using, and [REDACTED] explained to me over the phone how to produce a certain material [*umm al-abd*], and I told him that we already knew how to produce *umm al-abd* ... About a month and a half ago, I asked [REDACTED] to check out a way of bringing a suicide bomber into Jerusalem, and he said that he would check it out. According to the plan, [REDACTED] was the one who located a suicide attacker, and my role was to coordinate between [REDACTED] and [REDACTED] in order to bring the suicide attacker into Jerusalem. That terrorist attack was carried out, but without success, because policemen shot the suicide attacker before the terrorist attack, and he was killed at the entrance to Jerusalem from the direction of Ramallah, and I do not know the suicide attacker’s name.”

The “item”:

No direct and separate “item” was found for the admission on this count.

However, the facts which have been proven – the fact that the Defendant was a leader in a Terrorist Organization, with the purpose of perpetrating acts of violence which were intended to cause the death and injury of persons, and the fact that the Defendant had a clear motive for carrying out such acts and had an opportunity to carry them out, and even accomplished many of them, as has been proven in each of the other counts – substantiate a conclusion that the cumulative “items” which were found for each of the admissions of the other counts may be considered as the “item” required for this count. It is necessary to consider the circumstances of the matter, and, for that purpose, the series of offenses in which the Defendant was involved, as a single unit.

Count No. 8:

According to an argument that was set forth by the State in Count No. 8:

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"A. On an unspecified date after the outbreak of the al-Aqsa intifada, the Defendant entered into a conspiracy with additional activists in the Terrorist Organization, for the perpetration of shooting attacks directed against an IDF guard post which was manned with Israeli soldiers, in the vicinity of Joseph's Tomb in Nablus.

On unknown dates during the subsequent period of time, the Defendant, together with additional activists in the Terrorist Organization, perpetrated shooting attacks against an IDF position which was located in the vicinity of Joseph's Tomb.

B. Shortly before the month of May 2001, the Defendant entered into a conspiracy with additional activists in the Terrorist Organization, for the perpetration of shooting attacks directed against an IDF guard post which was manned with Israeli soldiers, on Mt. Gerizim, and against additional IDF positions in adjacent areas.

For the purpose of promoting the objectives of the conspiracy, the Defendant supplied the additional activists who had joined the conspiracy with M-16 rifles.

During the month of May 2001, on a number of occasions, on unknown dates, the Defendant, together with additional activists in the Terrorist Organization, perpetrated shooting attacks.

The shooting attacks were perpetrated by the Defendant and the additional activists, armed with M-16 rifles, against the military position on Mt. Gerizim, against the Ein Beit camp and against army patrols which were patrolling in the area of the Balata camp, as well as against military targets in the area of the Hawara camp.

C. On an unknown date, after the outbreak of the al-Aqsa intifada, the Defendant entered into a conspiracy with additional activists in the Terrorist Organization, for the perpetration of terrorist attacks against Israeli citizens and IDF soldiers.

Within the framework of the conspiracy and for the purpose of promotion thereof, the Defendant supplied weapons to the activists in the Terrorist Organization for the purpose of carrying out the terrorist attacks.

The activists in the Terrorist Organization, who joined forces in order to carry out the conspiracy, made use of weapons which were supplied to them by the Defendant, in the terrorist attacks set forth below:

1. The shooting attack on the settlement of Homesh.
2. Placing an explosive charge on the Zuata-Asira bypass road.

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3. A shooting attack with an M-16 rifle against a military patrol in Deir Sharaf.

4. Placing an explosive charge in Sarah."

The State goes on to claim that, in these actions, the Defendant was unlawfully attempting to cause the death of many persons, and that these actions, *inter alia*, are in the nature of a conspiracy to commit a crime, attempted murder, and unlawfully carrying a weapon.

The admission by the Defendant is as follows:

P/5A: "2. I carried out a shooting attack directed against a military position on Mt. Gerizim in Nablus ...

3. I carried out a shooting attack directed against military vehicles in the vicinity of the Hawara camp, near Nablus.

4. I carried out a shooting attack directed against military vehicles in the vicinity of Nablus, on the west side, near Zuata ..."

"13. I supplied [REDACTED] with two explosive charges plus a Kalashnikov, which he placed near Kafr Sara, Nablus.

14. I supplied [REDACTED] with an explosive charge, which he placed on the road to Dir Sharan, against an Israeli patrol."

[Stamp] P 5: 273 [continued]

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P/6A: "yes, he participated once, together with me, in carrying out a shooting attack directed against an Israeli military position on Mt. Gerizim ..."

Q. Which terrorist attacks did you speak about with [REDACTED]

"A. I spoke with him about many terrorist attacks, and I remember that I spoke with him about a shooting attack which I had carried out along with [REDACTED] and [REDACTED] and [REDACTED] near the Hawara camp, directed against a military vehicle. I also spoke with him about placing explosive charges in the vicinity of Zuata; I had participated in those terrorist attacks along with [REDACTED] and [REDACTED] and [REDACTED] and [REDACTED]."

"Q. Do you remember all of the terrorist attacks in which you participated directly?

A. I remember. 1. A shooting attack directed against a military position on Mt. Gerizim. 2. A shooting attack directed against a military vehicle in the vicinity of the Hawara camp. 3. A shooting attack directed at members of the armed forces at Joseph's Tomb. 4. A terrorist attack at Dir Sharan. 5. A shooting attack directed at military vehicles ... 7. A shooting attack directed at vehicles.

Q. Can you give details about the shooting attack directed against the military position on Mt. Gerizim?

A. Yes, about seven months ago, I participated, together with [REDACTED] and [REDACTED] in shooting about three times at a military position on Mt. Gerizim ..."

"Q. Do you have any additional details about the shooting attack directed against a military vehicle in the area of the Hawara camp?

A. About six months ago, I participated, together with [REDACTED] in a shooting attack directed at a jeep in the Hawara camp, and each of us fired about half a clip of bullets, and the soldiers fired back at us.

Q. Can you give details about the shooting attack directed against a car, which you mentioned above?

A. Yes, I participated, together with [REDACTED] and [REDACTED] and [REDACTED] in a shooting attack, and we shot at a tank in the area of Hawara (the camp). We were shooting from Kafr Kalil. That day, the attack was carried out at about 4:00 p.m., and each of us fired a clip of bullets at the tank."

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“ ... And I took two old [anti-] tank missiles from [REDACTED] in order to take the explosives out of them and to use the explosives to make explosive charges, and I used the explosive charges on the bypass road at Zuata-Asira against military vehicles.

Q. How many charges did you make out of the missiles which [REDACTED] gave you, and how did you use them?

A. After I took the missiles from [REDACTED] I gave them to [REDACTED] from the Balata camp, and [REDACTED] made a charge out of them, and he was the one who placed the charge on the bypass road.

Q. Do you remember when he placed the charge and whether people were hurt when the charge exploded?

A. The charge was placed sometime during the al-Aqsa intifada; I do not remember a date, and according to the information which I received, the army blew up the charge before it exploded.”

“I sent [REDACTED] to transport [REDACTED] and [REDACTED] and [REDACTED] so that they could place a charge on the road, near [REDACTED] west of Nablus. In the end, however, they did not place the charge, because it was far away. They brought the charge back and they used it in the area of Zuata against a military vehicle, and I do not know if anyone was hurt in that terrorist attack.”

Q. Did you have any contact with [REDACTED]

[Stamp] P 5: 274 [continued]

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A. Yes. About 10 months ago, we took a charge from them, and he placed it on the road in Dir Sharan, and he set off the charge against a military patrol.”

“... And I gave him an M-16 weapon, and [REDACTED] carried out a shooting attack with the weapon which I gave him. The shooting attack was directed at an Israeli vehicle on the bypass road east of Nablus, and according to [REDACTED] the vehicle was not hit.”

“Q. Can you explain to me about the terrorist attack in Dir Sharan which you mentioned above?

A. Yes. About eight months ago, [REDACTED] [sic] from the Balata camp, who was living in Dir Sharan, came to me and asked me for an explosive charge to carry out at terrorist attack, and I gave him a charge that weighed 15 kg which I had received from [REDACTED] and the detonation was with wires. According to what I know, [REDACTED] placed the charge on the main road at Dir Sharan, and set off the charge at a military patrol, and caused damage to a jeep, and I do not know if people were hurt.”

“A. Yes. A few months ago, [REDACTED] a resident of Sara, suggested to me, while he was studying at al-Najah University, that we carry out a terrorist attack in the area of Sarah, and he [sic] agreed to this. I gave him two explosive charges and a Kalashnikov, and when I gave him the charges and the weapon, there was a person with him, named [REDACTED] a resident of Sara, and they set off the charges at a tank in the area of Hawara, and one charge exploded, and after that, they fired at the tank, and after the terrorist attack, they gave me back the weapon.”

P/8: “... And another man from Dir Sharan was with him, and [REDACTED] asked me for an explosive charge, so as to carry out a terrorist attack on an Israeli military patrol, and I agreed, and I gave him an explosive charge which I had received from [REDACTED] and according to the information in my possession, [REDACTED] carried out the terrorist attack against a military patrol in the area of Dir Sharan.”

“A. Yes. About five months ago, [REDACTED] introduced me to a man named [REDACTED] who knew how to make explosives and charges, and I took five charges from him, and [REDACTED] and [REDACTED] placed the charges near Zuata, and once [REDACTED] and I went out to place a charge. The soldiers identified us, and we ran away, and [REDACTED] was with us, and we left the charge behind when we ran away.”

The “additional item” is as follows:

[REDACTED] (Witness No. 6 for the prosecution), P/12:

“A. I confess that, during the month of May in the year 2001, I went out with all those persons to carry out a shooting attack directed against a military position which is located in Mt.

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